## UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

Case No.: 08-35653-KRF	1
Chapter 11	

In the Matter of:	RICHMOND DIVISION
CIRCUIT CITY STORES, INC.	l F
Debtor /	L MAY 2 3 2011 L D CLERK
<del></del>	US BANKRUPTCY COURT

# CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO LANDLORD ADMINISTRATIVE CLAIMS AND REQUEST FOR HEARING

CITRUS PARK CC, LLC, claimholder of Claim no. 13355 filed by Citrus Park CC, LLC as an administrative claim timely responds (see attached Extension granted by the attorneys for the L1quidating Trust) to the Liquidating Trust's Eighth Objection to Landlord Claims as follows:

- 1. On or about June 10, 2009 Citrus Park CC, LCC, timely filed an Administrative Expense Request related to unpaid administrative expenses related to the Debtor's use and occupancy of Circuit City Store number 3269 located at 6918 Gunn Highway, Citrus Park, Florida; the claim was assigned the identifying number 13355 and will be hereinafter be referred to as "Claim no. 13355".
- 2. Claim no. 13355 was filed in the amount \$21,428.35; the components of the request/claim are certain Administrative expenses as follows:

a. Rent: \$ 480.00; b. Taxes: \$ 18,487.39 c. Other: \$ 2,460.96 Case no. 08-35653 – Eighth Omnibus Objection Claim no. 13355 – Page two of three

Claim no. 13355 contained considerable detail and is incorporated by reference.

The lease is not attached to this response but will be provided upon request.

- 3. The Liquidating Trust's Eighth Omnibus Objection, to Landlord Claims (hereinafter "The Eighth Omnibus Objection") recommends reduction of Claim no. 13355 to \$12,428.35 and allowance as such. The Eighth Omnibus Objection does set forth any reason for the proposed reduction and therefore the objection should be either amended or denied.
  - 4. Claimholder Requests a hearing on this matter.
  - 5. Claimholder is the person with personal knowledge of the relevant facts.

DESIGNATION of "NOTICE ADDRESS". Claimholder designates his attorney as the person to whom further notices related to allowance of claim 13355 should be addressed and further designates his attorney as the person to who upon whom a Reply to this Response may be served. The designated attorney has been granted authority to reconcile, settle or otherwise resolve The Eighth Omnibus Objection on claimant's behalf. The pertinent contact information for both the attorney and for the claimholder are set forth as follows:

(Paragraph continued on following page)

Case no. 08-35653 – Eighth Omnibus Objection Claim no. 13355 – page three of three

## a. The Attorney:

Arthur S. Weitzner, P.A. Attn: Arthur S. Weitzner, esq. P.O. Box 18028 Sarasota, FL 34276

Tel: 941-927-5471 Fax: 941-927-5473

Email: arthur@weitzner.com

## b. The Claimholder:

Donald L. Emerick, Sr. 707 Roma Road Venice, FL 34285

The original response deadline of April 7, 2011 has been extended to June 2,
 (see attached Exhibit A)

WHEREFORE having fully responded to the Objection the claimholder requests that the objection be DENIED.

DATED and SIGNED at Sarasota County, Florida this 20 day of May, 2011

Donald L., Emerick, Sr.,

Manager/Member

Citrus Park CC, LCC Claimholder

### LAW OFFICES ARTHUR S. WEITZNER, P.A. P.O. BOX 18028 SARASOTA, FLORIDA 34278

ARTHURS, WEITZNER CERTIFIED BUSINESS BANKRUPTCY SPECIALIST

TEL: (941) 927-5471 FAX: (941) 927-5473 arthur@weitzner.com

April 5, 2011

Pachulski Stang Ziehl & Jones, LLP Attn: Beth Levine, esq. 780 Third Avenue, 36th Floor New York, New York, 10017 Via Email only to: blevine@pszilaw.com

Re: Circuit City Stores, Inc. (CCS)

Matter: Eighth Omnibus Objections to Landlord Claims Case no. 08-35653 (U.S.B.C Eastern District of Virginia)

Dear Ms. Levine:

The undersigned attorney represents Citrus Park CC, LLC and its manager Donald Emerick, Sr. The former entity was the lessor of the debtor's premises known as Circuit City Store No. 3269 located at 6918 Gunn Highway, Citrus Park, Florida. This letter concerns the Liquidating Trust's Eighth Omnibus Objections to Landlord Claims and the related deadline date for filing responses of April 7,

The affected claims are generally described as follows:

- a. Claim no. 12218 which is the unsecured claim that was transferred to Mr. Emerick; and
- b. Claim no. 13355 which is the administrative claim held by the LLC.

Both claims were filed with detailed explanations concerning the claimed amount and, as necessary, supporting documents. When you retrieve the claims you should be able to fully analyze same and readjust the proposed allowed amount and/or specify the Liquidating Trust's objections. I assure you that Mr. Emerick intends to have any issues reasonably and amicably resolved.

In our telephone discussion this morning you indicated that you have been authorized to extend the April 7, 2011 response deadline. Please confirm that this deadline is either indefinitely extended to be reset if necessary or to a new reasonable deadline by signing this letter in the space provided at the end of the letter and returning same to me by either facsimile or email (the latter is preferred).

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EXHIBIT A

leathers to

June z, 2011 With a hearing to be held on time 4, 2011

Circuit City – Eighth Omnibus Objections Ltr to Liquidating Trust Atty April 5, 2011 – page two of two

I can normally be contacted during normal business hours. However, next week I will be in Atlanta for the SBLI annual seminar and other events. My cell phone number is 941-323-4556 and I can be contacted in the event of an important development.

In closing I thank you for your courtesy in extending the looming deadline and committing to a good faith effort to reach an agreed resolution of these claims

Very truly yours,

Arthur S. Weitzale

Agreed:

Circuit City Liquidating Trust By its attorneys as set forth below:

Beth Levine, esq.

Pachulski Stang Ziehl & Jones LLP

cc. Citrus Park CC, LLC (Don Emerick) ASW/aw

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing

CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO LANDLORD

ADMINISTRATIVE CLAIMS AND REQUEST FOR HEARING together with a copy

of the exhibit attached thereto and a copy of this certificate was served this date by U.S.

Priority Mail addressed to the attorneys for the Circuit City, Stores, Inc., Liquidating

Trust as follows:

Jeffrey N. Pomerantz, Esq. Andrew S. Caine, Esq. PACHULSKI STANG ZIEHL & JONES LLP\* 10100 Santa Monica Boulevard Los Angeles, California 90067-4100

Lynn L. Tavenner, Esq.
Paula S. Beran, Esq.
TAVENNER & BERAN, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia, 23219

\*Also served Beth Levine, esq c/o New York City office

DATED, SIGNED and SERVED this 20 day of May, 2011

Arthur S. Weitzne

FBN 0133090

Main Document Page 7 of 7

## ARTHUR S. WEITZNER, P.A.

P.O. BOX 18028 SARASOTA, FLORIDA 34276

ARTHUR S. WEITZNER

CERTIFIED

BUSINESS BANKRUPTCY SPECIALIST

TEL: (941) 927-5471 FAX: (941) 927-5473 arthur@weitzner.com

May 20, 2011

Clerk of the Bankruptcy Court United States Bankruptcy Court 701 East Broad Street, Suite 4000 Richmond, Virginia 23219

## **EXPRESS MAIL**

Re: Circuit City Stores, Inc. (CCS)

Case no. 08-35653 (U.S.B.C Eastern District of Virginia) Matter: Responses to Omnibus Objection to Claims

#### Gentlemen:

The undersigned attorney represents the holders of two claims that are the subject of the Liquidating Trust's Eighth Omnibus Objections to Landlord Claims. Enclosed for filing are the following described responses to the objections:

- a. CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO LANDLORD CLAIMS AND REQUEST FOR HEARING (Claim no. 12218);
- b. CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO LANDLORD ADMINISTRATIVE CLAIMS AND REQUEST FOR HEARING (Claim no. 13355).

The deadline to file these responses was extended to June 2, 2011 (see attachment to the individual responses). Please docket and file each response. In addition, if permitted, please date stamp and return a copy of this transmittal letter as a receipt for filing. In this regard and extra copy of this letter a self addressed, postage prepaid, envelope is enclosed for your convenience.

Very trudy yours

Arthur S. Weitzn

Enc.

cc. w/enc., Attorneys for Liquidating Trust ASW/aw